

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:)	
)	
ROBERT PAUL SPARRA, JR.)	CHAPTER 7
KELLY ELIZABETH SPARRA,)	
)	CASE NO. 17-72318-JRS
Debtors.)	

MOTIONS FOR SANCTIONS PURSUANT TO BR 9011

NOW COMES Movants, Robert Paul Sparra, Jr. and Kelly Elizabeth Sparra, ("Debtors"), by and through their legal counsel, Bob Phillips, who files this Motion and respectfully shows as follows:

1.

On May 10, 2018, this court entered an order (Doc 61), (A true and correct copy of which is attached as Exhibit 1), which in pertinent parts states"the fourteen (14) day pursuant to FRBP(a)(B) is not waived and Movants may not schedule the dispossession to occur any earlier than June 15, 2018."

2.

The Movants show that despite the clear language of that Order of May 10, 2018, which in fact was prepared and presented to this court by Attorney David Whitridge, counsel for Victor Warren Properties, LLC. Attorney Whitridge, in fact put the dispossession case on the DeKalb Magistrate Court calendar for June 5, 2018. The Magistrate Judge, Honorable Jackson, had a copy of Judge Saccas' Order of May, 10, 2018 and made it clear to Attorney Whitridge that he could not bring any action Robert

and Kelly Sparra before June 15, 2018. In fact the judge asked "why are you here today, we can't do anything before June 15, 2018."

3.

The attempt by counsel for respondents to place this case on a new calendar, prior to the June 15, 2018 date, and to, in fact try to dispossess Debtors from the property was a direct violation of this honorable court order of May 10, 2018.

4.

Additionally it was done purposefully and intentionally and should make Attorney David Whitridge subject to sanctions, including attorney fees this court deems just.

5.

The Movants ("Debtors") also show this court that Attorney Whitridge, despite knowing that Debtors were represented by counsel, in total disregard for the Ethical rules 4.2a of the State Bar of Georgia, made contact with Robert Sparra, Jr., on June 5, 2018 demanding that he give up the property. In a clear violation of State Bar rules he continued to speak to and harass Mr. Sparra preceding the dispossessory hearing. Mr. Whitridge kept telling Mr. Sparra that he was not represented by counsel, which counsel knew that Bob Phillips represented the Debtors in their bankruptcy case. Mr. Sparra called his legal counsel, Bob Phillips, and told him that David Whitridge was trying to talk to him and that he kept telling him (Whitridge) that he was represented by counsel and that he should not be talking to him. At which point, counsel for Mr. Sparra asked to hand the phone to David Whitridge. Counsel, Bob Phillips informed Mr. Whitridge that he in fact represented Mr. Sparra, and he knew that from his entry of appearance and

other activities in the bankruptcy case. Mr. Whitridge told Mr. Phillips, "no you do not represent Mr. Sparra."

6.

In a clear violation of State Bar Rules, 4.2., (see comment 3 and comment 7), he continued to address Mr. Sparra, and in fact followed him around the courthouse trying to talk to him and badger Mr. Sparra to leave the property and surrender his right and ultimately defend his position in any adversary case he might have.

7.

Respondent, David Whitridge, counsel for Victor Warren Properties, LLC, violated a clear direct order of this court by scheduling a dispossessory hearing against Movants, ("Debtors") on June 5, 2018, 10 days before the order of this court allowed him to do so, and he violated ethical rules of the State Bar by speaking to, and in effect bullying Mr. Sparra despite being told that he, Mr. Sparra, was represented by legal counsel.

WHEREFORE, Movants, Debtors pray

1. The this Motion for Sanctions be filed and considered;
2. The court schedule a hearing if necessary to consider sanctions against counsel for Respondent.
3. For the court to determine proper and appropriate sanctions including attorney fees to be assessed against counsel, David Whitridge.
4. For any other relief this court deems just and proper.

This 8th day of June 2018.

/s/ Bob Phillips
Bob Phillips
GA Bar No. 576702
Attorney for Debtors

327 Dahlonge St., Suite 604A
Cumming, GA 30040
770-205-1922
bphillips@bobphillipslaw.com

CERTIFICATE OF SERVICE

I, Bob Phillips, certify that on June 8, 2018, I caused a copy of the Motion for Sanctions to be filed in this proceeding by electronic means and to be served by depositing a copy of the same in the United States Mail in a properly addressed envelope with adequate postage thereon to the said parties as follows:

Denise Dotson, Trustee
P.O. Box 435
Avondale Estates, GA 30003

David Whitridge, Esq.
Thompson, O'Brien, Kemp, & Nasuti, PC
40 Technology Parkway South, Suite 300
Peachtree Corners, GA 30092

Dated: June 8, 2018

/s/ Bob Phillips
Bob Phillips
Attorney for Debtors
GA Bar No. 576702

327 Dahlonge St., Suite 604A
Cumming, GA 30040
770-205-1922
bphillips@bobphillipslaw.com



MAGISTRATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

Case Number: 18D41601

May 25, 2018

Victoria Warren Properties Inc VS Robert Sparra Jr

You are hereby notified that the above styled action is set for trial. You are required to appear at 1:00 PM on 06/05/2018 in Courtroom 1200 C of the DeKalb County Courthouse, 556 N. McDonough Street, Decatur, GA 30030.

R. Javoyne Hicks, Clerk
Magistrate Court of Dekalb County

Robert Sparra Jr
3606 Inman DR
Atlanta GA 30319



IT IS ORDERED as set forth below:

Date: May 10, 2018

James R. Sacca

James R. Sacca
U.S. Bankruptcy Court Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:

ROBERT PAUL SPARRA, JR.
KELLY ELIZABETH SPARRA,
Debtors.

VICTOR WARREN PROPERTIES, INC.,
Movant,

vs.

ROBERT PAUL SPARRA, JR.
KELLY ELIZABETH SPARRA,
Respondents,

M. DENISE DOTSON,
Trustee.

CASE NO.: 17-72318-jrs

CHAPTER 7

HONORABLE JAMES R. SACCA

ORDER ON MOTION FOR RELIEF FROM STAY

IT APPEARING that Debtor filed for Chapter 13 relief on December 29, 2017 and that the bankruptcy case was converted to a chapter 7 case on February 1, 2018; and

IT APPEARING that Victor Warren Properties, Inc. ("Movant") filed a Motion for Relief (Docket No. 53) and an Amended Motion for Relief (Docket No. 58) seeking permission to proceed with a dispossessory action in the Magistrate Court of DeKalb County and alleging that pursuant to a foreclosure sale held on January 2, 2018 it is the owner of certain real property known as 3606 Inman Drive, Atlanta, Georgia 30319 ("Property"); and

IT APPEARING that the Movant's motion was set for a hearing on May 8, 2018; and

IT APPEARING that on May 4, 2018 the Debtor filed an Urgent Motion for Request of Continuance (Docket No. 60) seeking to have Movant's motion rescheduled to a later date; and

IT APPEARING that, after hearing arguments from Robert Paul Sparra, Debtor, pro se, and David C. Whitridge, counsel for Movant; it is hereby

ORDERED that the Debtor's request for a continuance is DENIED, and it is further

ORDERED that Movant's Motion is GRANTED and the automatic stay is modified and Movant may proceed with its dispossessory action in the Magistrate Court of DeKalb County; and it is further

ORDERED that the 14-day period pursuant to F.R.B.P. 4001(a)(3) is not waived and Movant may not schedule the dispossessory to occur any earlier than June 15, 2018.

[END OF DOCUMENT]

Prepared and submitted by:

/s/ David C. Whitridge

DAVID C. WHITRIDGE

Georgia Bar No. 754793

THOMPSON, O'BRIEN, KEMP & NASUTI, P.C.

40 Technology Parkway South, Suite 300

Peachtree Corners, Georgia 30092

(770) 925-0111

E-mail: dwhitridge@tokn.com

Attorneys for Movant

2018 MAY 21 PM 3:33
abraham